

**AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE REGARDING
AFFORDABLE HOUSING BONUSES
(TC1600005)**

WHEREAS, the [Durham Board of County Commissioners/Durham City Council] wishes to amend certain provisions in the *Unified Development Ordinance* (UDO) regarding affordable housing; and

WHEREAS, it is the objective of the [Durham Board of County Commissioners/Durham City Council] to have the *Unified Development Ordinance* promote regulatory efficiency and consistency and the health, safety, and general welfare of the community;

NOW, THEREFORE, be it ordained that Article 6, District Intensity Standards, (pending) Article 16, Design Districts, and (pending) Article 17, Definitions, of the *Unified Development Ordinance* is amended to make the following changes set forth in the strikethroughs and underlining below:

PART 1

[Revise the provisions of the Affordable Housing Bonus as applied to the Compact Neighborhood Tier, along with and other technical clarifications and re-organization.]

Sec. 6.6 Affordable Housing Bonus

6.6.1 General Requirements

- A. The bonus can be utilized at the time of site plan or subdivision for new projects with a minimum of 15 dwelling units, or for projects adding at least 15 dwelling units to an existing development, subject to the additional regulations of this section.
- B. Unless within the Compact Neighborhood Tier, projects in which 100% of the residences are affordable housing dwelling units shall not be eligible for the affordable housing density bonus.
- C. All of the affordable housing dwelling units shall be located within the overall project boundary.
- D. Affordable units shall be incorporated throughout the project, and shall not be distinguishable from market-rate units through location, grouping, or exterior design.
- E. In single-family and duplex developments, required minimum lot sizes and yard requirements for lots internal to the project can be reduced up to 20% in order to incorporate the additional units.
- C. Projects utilizing the affordable housing bonuses shall not be exempt from a Traffic Impact Analyses (TIA) if required pursuant to Section 3.3, Traffic Impact Analysis (TIA).
- D. Units added through this program shall not increase the amount of open space otherwise required for the project.
- E. An annual report shall be provided by the project developer or manager to the Community Development Director for sites within the City's jurisdiction, or to the County Manager for

sites within the County’s jurisdiction, which identifies the incomes of persons residing in the affordable housing dwelling units, and the housing costs including rents, mortgages, utilities, association fees being charged, to verify the units qualify as affordable housing dwelling units.

- F. Compliance measures can be required at the time of approval, including but not limited to contracts, restrictive covenants, deed restrictions, and stipulated penalties.

6.6.2 Compact Neighborhood Tier

A. Applicable Zoning Districts and Housing Types

1. CD Zoning District

Standards for the use of the affordable housing bonus in the CD district shall be pursuant to paragraph 16.1.3D.2, CD District Density Requirements.

2. Other Zoning Districts

- a. The bonus, along with the following associated standards, can be utilized in any zoning district that permits multifamily residential.
- b. The program shall not permit housing types not already permitted within the zoning district.

B. Minimum Number of Units Required

[Alternative A (“Resolution”)]:

1. At least 15% of the total number of dwelling units of the project shall be affordable housing dwelling units for households earning 60% or less of Area Median Income (AMI).

Example #1(A): If 200 dwelling units are proposed, at least 30 of those units shall qualify as affordable housing dwelling units to households earning 60% AMI or less.

[Alternative B (“Public Participation”)]:

1. A project shall first provide at least 15% of the total number of dwelling units as affordable housing dwelling units for households earning 60% AMI or less, with approval of financial assistance from the City or County.
2. If the City or County opts not to provide financial assistance, at least 15% of the total number of dwelling units shall be affordable housing dwelling units for households earning 80% AMI or less.

[Alternative C (“Average AMI”)]:

1. At least 15% of the total number of dwelling units of the project shall be affordable housing dwelling units for households earning an average of 70% AMI or less.

Example #1(B): If 200 dwelling units are proposed, at least 30 of those units shall be affordable to households earning an average of 70% AMI or less. In this example, if 15 units are affordable to households earning 80% AMI, 15 units must be affordable to households earning 60% AMI or less.

C. Residential Density

The maximum residential density shall be the greater of the following:

1. 75 dwelling units per acre; or
2. The permitted density of the zoning district.

D. Height

1. The maximum building height shall be as follows:

<u>Maximum Height (feet)</u>	<u>Location</u>
<u>50</u>	<ul style="list-style-type: none">• Any portion of a building within 75 feet of a single-family residential zoning district or use in the Urban Tier; or• Any portion of a building within 150 feet of a single-family residential zoning district or use in the Suburban Tier.• Distance from the zoning district or use shall be measured from the zoning line or property line, as applicable.
<u>90</u>	<ul style="list-style-type: none">• The subject property is adjoining right-of-way at least 100 feet wide; or• All other locations.

2. Base zoning district maximum height can be used if it exceeds the maximum height allowances, above.

E. Design Standards

Projects must be designed to meet the following standards applicable for the CD-S2 zoning district:

1. Paragraph 16.2.1, Building Placement Standards;
2. Paragraph 16.3.4, Building Access;
3. Paragraph 16.3.6A, Minimum Glazing;
4. Paragraphs 16.4.2A-C, Sidewalk Standards, Sidewalk Clear Zone, Accessibility;
5. Paragraph 16.4.2D, Required Streetscape Amenities; and
6. Paragraph 16.1.3B Ground Floor Residential Uses and Overnight Accommodations

6.6.3 Suburban and Urban Tiers

A. Applicable Zoning Districts

1. The bonus program can be utilized in any zoning district where residences are permitted.
2. The program shall not permit housing types not already permitted within the zoning district.

B. Minimum Number of Units Required

Projects must commit to providing affordable housing dwelling units in the amount of at least 15% of the maximum number of units permitted with the base density.

Example #2: If the zoning of a five-acre project allows 60 units/ acre, then 300 dwelling units are permitted. To qualify for a density bonus, at least 45 of the 300 dwelling units shall qualify as affordable housing dwelling units.

C. Residential Density

1. For the purpose of calculating the bonus residential density within projects utilizing the affordable housing bonus, the “base density” is the maximum density allowed in the zoning district prior to applying any potential bonuses, and multiplied by the gross acreage of the tract of land, including all areas typically excluded from density calculations in Article 8, Environmental Protection. The resulting number shall be rounded down to the nearest whole number.
2. For each affordable housing dwelling unit that is constructed, a density bonus of one additional dwelling unit can be constructed beyond the base density.

Example #2: The project is in the Urban Tier, and 15% (i.e.: 45 units) of the 300 maximum units qualify as affordable housing dwelling units affordable. Thus, an additional 45 dwelling units are allowed above the maximum 300 units, totaling 345 dwelling units.

D. Height

When the affordable housing density bonus is utilized, an additional 15 feet of height shall be allowed.

6.6.1 Applicability

- ~~A. This program can be utilized at the time of site plan or subdivision for new projects with a minimum of 15 dwelling units, or for projects adding at least 15 dwelling units to an existing development in any zoning district where residences are permitted.~~
- ~~B. Projects must commit to providing affordable housing dwelling units in the amount of at least 15% of the maximum number of units permitted with the base density.~~

~~**Example #1:** If the zoning of a five-acre project allows 60 units/ acre, then 300 dwelling units are permitted. To qualify for a density bonus, at least 45 of the 300 dwelling units shall qualify as affordable housing dwelling units.~~

- ~~C. Projects in which 100% of the residences are affordable housing dwelling units shall not be eligible for the affordable housing density bonus unless the project is within the Compact Neighborhood Tier.~~

6.6.2 Bonus Program

1. Residential Density

~~For the purpose of calculating the bonus residential density within projects utilizing the affordable housing bonus, the “base density” is the maximum density allowed in the zoning district prior to applying any potential bonuses, and multiplied by the gross acreage of the tract of land, including all areas typically excluded from density calculations in Article 8, Environmental Protection. The resulting number shall be rounded down to the nearest whole number.~~

~~1. Suburban and Urban Tiers~~

~~For each affordable housing dwelling unit that is constructed, a density bonus of one additional dwelling unit can be constructed beyond the base density.~~

~~**Example #2:** The project is in the Urban Tier, and 15% (i.e.: 45 units) of the 300 maximum units qualify as affordable housing dwelling units affordable. Thus, an additional 45 dwelling units are allowed above the maximum 300 units, totaling 345 dwelling units.~~

~~2. Compact Neighborhood Tier~~

~~For each affordable housing dwelling unit that is constructed, a density bonus of three additional dwelling units can be constructed beyond the base density.~~

~~**Example #3:** The five-acre project with a maximum allowed density of 60 units/acre allows for 300 units. Of the 300 units, 15% (or 45 units), qualify as affordable housing dwelling units. Thus, an additional 135 dwelling units are allowed above the 300 unit maximum, totaling 435 dwelling units.~~

~~2. Height~~

~~When the affordable housing bonus is utilized, additional height is allowed as follows:~~

- ~~1. In all zoning districts except the Design Districts, an additional 15 feet shall be allowed.~~
- ~~2. Within the Compact Design District, additional height shall be allowed in accordance with paragraph 6.12.4A.2, Building Height and Massing.~~
- ~~3. All of the affordable housing dwelling units shall be located within the overall project boundary. Affordable units shall be incorporated throughout the project, and shall not be distinguishable from market-rate units through location, grouping, or exterior design.~~
- ~~4. In single-family and duplex developments, required minimum lot sizes and yard requirements for lots internal to the project can be reduced up to 20% in order to incorporate the additional units.~~
- ~~5. Units added through this program shall not increase the amount of open space otherwise required for the project.~~
- ~~6. An annual report shall be provided by the project developer or manager to the Housing and Community Development Director for sites within the City's jurisdiction, or to the County Manager for sites within the County's jurisdiction, which identifies the incomes of persons residing in the affordable housing dwelling units, and the rents or initial sales price being charged, to verify the units qualify as affordable housing dwelling units.~~
- ~~7. Compliance measures can be required at the time of approval, including but not limited to contracts, restrictive covenants, deed restrictions, and stipulated penalties.~~

PART 2

[Revise the provisions of the Affordable Housing Bonus as applied in the Compact Design zoning district.]

16.1.4 Uses and Density

C. Residential Density

1. DD District Density Requirement

No minimum or maximum density requirements shall apply within the DD District.

2. CD District Density Requirements

- a. Residential development within the CD District shall be in accordance with the following density requirements.

Sub-Districts	Residential Density		<u>Max. (units/acre) with Affordable Housing Density Bonus</u>
	Min. (units/acre)	Max. (units/acre)	
CD-C	22	60	<u>75</u>
CD-S1	16	53	
CD-S2	9	20	
CD-P(N)	16	53	

- b. In the CD-S2 sub-district, any projects of 200,000 square feet or greater shall consist of a residential component and comply with the density requirements above.
- c. Density shall be calculated based upon the entire site acreage, including areas precluded from consideration for density in Article 8, Environmental Protection.
- d. Affordable Housing Density Bonus~~Additional Density~~
 - (1) Within any sub-district, the maximum residential density shall be 75 units per acre provided that at least 15% of the total number of dwelling units in the project qualify as affordable housing dwelling units.
 - (2) Only projects with a minimum of 15 dwelling units, or projects adding at least 15 dwelling units to an existing development shall be eligible for the affordable housing density bonuses.
 - (3) Projects in which 100% of the residences are affordable housing dwelling units shall be eligible for the affordable housing density bonus.
 - (4) Requirements pursuant to paragraph 6.6.1, General Requirements, shall apply.~~Additional density is allowed pursuant to Sec. 6.6, Affordable Housing Bonus~~

PART 3

[Revise paragraph 10.3.1B, Required Parking, to establish a new minimum parking rate for projects qualifying for the affordable housing bonus in the Compact Neighborhood Tier.]

10.3.1 Required Motorized Vehicle and Bicycle Parking

B. Required Parking

1. The amount of motor vehicle parking shall be a percent of the amount indicated in paragraph 10.3.1A.4, Parking Rate Table. The minimum and maximum parking rates are as follows. For fractions, refer to paragraph 10.2.5, Calculation of Spaces.

Location	Minimum	Maximum
Downtown Tier	None	100%
Compact Neighborhood Tier ^{1,2} , CI District	80%	100%
Urban Tier	90%	175%
Suburban and Rural Tiers	100%	175%

¹For all household living within the Compact Neighborhood Tier, see paragraph 10.3.1B.7

² [For projects qualifying for the Affordable Housing Bonus, see paragraph 10.3.1B.8](#)

7. In the Compact Neighborhood Tier, the minimum and maximum parking rates for household living dwelling units shall be as follows:

	Minimum	Maximum
Household Living, except as Listed Below	1 space/unit	2 spaces/unit
Affordable Housing Dwelling Units	None	2 spaces/unit

- [8. In the Compact Neighborhood Tier, all uses within projects utilizing for the affordable housing bonuses, per Sec. 6.6, Affordable Housing Bonus, or paragraph 16.1.4C.2.d, Affordable Housing Density Bonus, shall be exempt from required minimum parking.](#)

PART 4

[Revise the current definition of “affordable housing dwelling unit” and add a definition for Area Median Income (AMI)]

Sec. 17.3 Defined Terms

Affordable Housing Dwelling Unit: A dwelling unit committed for a minimum ~~15~~³⁰-year term as affordable, through covenants or restrictions, to [low income \(80% AMI or less\) or very low income \(50% AMI or less\)](#) households ~~with incomes at 60% or less of the area median income for a family~~, as defined by the United States Department of Housing and Urban Development, for the jurisdiction; and where housing costs ([rents, mortgages, utilities and condo, homeowners or other association fees](#) ~~rent or mortgage~~) do not exceed 30% of a family's income [as verified on an annual basis](#).

Area Median Income (AMI): [Income thresholds established by the United States Housing Department of Housing and Urban Development \(HUD\) based on median income for households in metropolitan areas, adjusted for family size, to determine eligibility for a variety of housing programs.](#)

PART 4

That the *Unified Development Ordinance* shall be renumbered as necessary to accommodate these changes and clarifications.

PART 5

That this amendment of the *Unified Development Ordinance* shall become effective on *[insert date]*.